



General Assembly

**Amendment**

February Session, 2004

LCO No. 5346

\*HB0566805346HDO\*

Offered by:

REP. DYSON, 94<sup>th</sup> Dist.

REP. LAWLOR, 99<sup>th</sup> Dist.

REP. DIAMANTIS, 79<sup>th</sup> Dist.

To: Subst. House Bill No. 5668

File No. 501

Cal. No. 347

(As Amended)

**"AN ACT CONCERNING THE MERGER OF THE DEPARTMENT OF  
CORRECTION AND THE BOARD OF PAROLE AND THE  
CARRYING OF HANDGUNS BY EMPLOYEES OF THE  
DEPARTMENT OF CORRECTION."**

1 Strike section 502 of House Amendment Schedule "A" and insert the  
2 following in lieu thereof :

3 "Sec. 502. (NEW) (*Effective from passage*) Notwithstanding any  
4 provision of the general statutes, when sentencing a person convicted  
5 of an offense for which there is a mandatory minimum sentence,  
6 except a capital felony, class A felony or class B felony or a violation of  
7 subsection (c) of section 14-215, subsection (b) of section 14-223,  
8 subsection (a) of section 14-227a, subsection (a) or (c) of section 21a-  
9 278a, section 29-34, subsection (b) of section 29-37, section 53-202b, 53-  
10 202c, 53-202j, 53-202k, subsection (m) of section 53a-40, section 53a-54d,  
11 53a-56a, 53a-60a, 53a-60b, 53a-60c, 53a-61, 53a-61a, 53a-71, 53a-72b,

12 53a-102a, 53a-103a, 53a-123, 53a-136a, 53a-216 or 53a-303 of the general  
13 statutes, the court may, upon a showing of good cause by the  
14 defendant, depart from the prescribed mandatory minimum sentence,  
15 provided (1) the provisions of this section have not previously been  
16 invoked on the defendant's behalf, (2) the court, at the time of  
17 sentencing, states in open court the reasons for imposing the particular  
18 sentence and the specific reason for imposing a sentence that departs  
19 from the prescribed mandatory minimum sentence, and (3) if the  
20 offense is a violation of chapter 420b of the general statutes (A) the  
21 offense did not involve the use, attempted use or threatened use of  
22 physical force against another person, (B) the offense did not result in  
23 the physical injury or serious physical injury of another person, and  
24 (C) in the commission of the offense such person neither was armed  
25 with nor threatened the use of or displayed or represented by word or  
26 conduct that such person possessed any firearm, deadly weapon or  
27 dangerous instrument, as those terms are defined in section 53a-3 of  
28 the general statutes."